

Atty Docket No 4001-00800

*Patent*

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JAN 19 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Kenneth Tarbet	§	Group Art Unit: 3621
Serial No.: 09/888,031	§	Examiner: N/A
Filed: June 25, 2001	§	Confirmation No.: 7507
For: Customer Preferred Product Sales	§	

Mail Stop: Petition  
 Attn.: Office of Petition  
 Commissioner For Patents  
 PO Box 1450  
 Alexandria VA 22313-1450

**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 to facsimile number 703-872-9306 on 1-19-2005.

*Edith Shek*  
 Edith S. Shek

**PETITION UNDER CFR § 1.182**

Dear Sir:

Applicant filed the above-identified patent application on June 25, 2001 and established the "Small Entity" status. A Notice of Abandonment was issued on February 2, 2004 due to the non-receipt of a response to file corrected application paper and a Petition was filed on February 25, 2004 for Revival of an Application for Patent Abandoned Unintentionally with the payment of the Petition Fee of \$1,330.00 without claiming the small entity status. The Petition was granted March 12, 2004.

Applicant subsequently requested a \$665 refund of the overpayment in the Petition Fee as a large entity to be credited to Deposit Account 50-1515, Conley Rose, P.C. under 37 CFR §1.27(g)(1) and MPEP 509.03 (VII). However, the entire Petition Fee of \$1,330.00 was credited to such Deposit Account.

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PAGE 24 \* RCVD AT 1/19/2005 12:41:07 PM [Eastern Standard Time] \* SVR:USPTO-EFXRF-11 \* DNI:8729306 \* CSID:9727312289 \* DURATION (mm:ss):01:36

04/14/2005 AMELLEY 00000005 501515 03086602  
 Sale Ref: 00000005 D2# 501515 03086602  
 01 FC:0453 655.00 DR

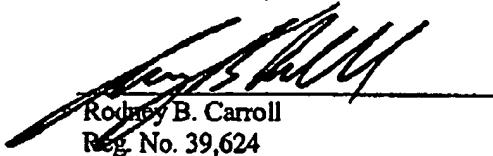
Since the Office has refunded the full amount of the Petition Fee, Applicant respectfully submits the enclosed Fee Transmittal in payment of the Small Entity Petition Fee for the already granted Petition to Revive Unintentionally Abandoned Application in the above-identified patent application. Furthermore, given that this refund error was made by the USPTO, Applicant respectfully requests that the \$400.00 fee for this §1.182 petition be waived or refunded to Deposit Account 50-1515, Conley Rose, P.C.

Respectfully submitted,

CONLEY ROSE, P.C.

Date: 1-19-05

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